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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE
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SAN JOSE, CA 95141¹

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OFFICE OF PETITIONS

In re Application of
Lightstone et al.
Application No. 09/627,662
Filed: July 28, 2000
Atty Docket No. CA990022US1

ON APPLICATION FOR PATENT TERM ADJUSTMENT

This is in response to the "PETITION ON PATENT TERM ADJUSTMENT HISTORY" filed March 7, 2005. Applicants request correction of the date of filing of an Appeal Brief and any adjustment to the patent term if necessary.

The request is dismissed.

Filing of a petition or an application for patent term adjustment is not the proper avenue for correcting papers or dates recorded incorrectly. As stated in MPEP 2732,

If the papers or dates are recorded incorrectly, applicant should contact the examiner, the examiner's supervisor or the Technology Center customer service representative to have the entry corrected.

Whereas if applicants are contesting the determination of patent term adjustment at the time of the mailing of the notice of allowance, applicants are advised that § 1.705(b) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the notice of allowance. See § 1.702-1.705. Moreover, § 1.705(b) provides that:

An application for patent term adjustment under this section must be filed no later than the payment of the issue fee but

1 It is noted that subsequent to the filing of the instant paper, which included a request that all correspondence be directed to the law firm of Konrad Raynes & Victor LLP the Office received a change of correspondence address to the IBM address used in this correspondence.

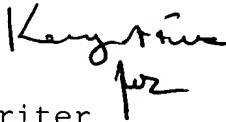
may not be filed earlier than the date of mailing of the notice of allowance. An application for patent term adjustment under this section must be accompanied by:

(1) The fee set forth in § 1.18(e) ...

The instant request was filed after the mailing of the notice of allowance and prior to payment of the issue fee. However, neither the fee under § 1.18(e) nor a general authorization to charge any required fees, accompanied the request. Accordingly, the request is dismissed for failure to comply with the requirement of paragraph (b)(1) to submit the fee under § 1.18(e).

The Publishing Division has been advised of this decision and directed to go forward with processing of this application into a patent.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.



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Office of Deputy Commissioner
for Patent Examination Policy